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 8 **UNITED STATES BANKRUPTCY COURT**
 9 **SOUTHERN DISTRICT OF CALIFORNIA**

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 11 In re:) **CASE NO. 99-33191-B7**

12 **SARA NEWSOME BURNS**, an individual,) **ADV. NO. 01-90355-B7**

13 Debtor.

14 _____
 15 **RICHARD KIPPERMAN**, Trustee,

16 Plaintiff,

17 v.

18 **BRADLEY PROULX**, an individual,

19 Defendant.

) **TRUSTEE'S EVIDENTIARY**
) **OBJECTIONS AND MOTION TO**
) **STRIKE PORTIONS OF THE**
) **DECLARATION OF BRYAN D.**
) **SAMPSON IN SUPPORT OF**
) **CREDITOR BRADLEY PROULX'S**
) **REPLY ON MOTION FOR SUMMARY**
) **JUDGMENT**

) Date: December 17, 2001

) Time: 2:30 p.m.

) Dept: 4

) Judge The Honorable Peter W. Bowie

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 23 **TO: HONORABLE PETER W. BOWIE, UNITED STATES BANKRUPTCY JUDGE:**

24 Plaintiff RICHARD KIPPERMAN (hereinafter the "Trustee") respectfully submits the following
 25 evidentiary objections and hereby moves to strike the specified portions of the "Declaration of Bryan D.
 26 Sampson in Support of Creditor Bradley Proulx's Reply on Motion For Summary Judgment" (the "Sampson
 27 Declaration").

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REQUEST FOR RULING ON OBJECTIONS AND MOTION TO STRIKE

The Trustee respectfully requests that this Court issue rulings on the following evidentiary objections and motion to strike prior to ruling on the merits of Creditor Bradley Proulx's Motion for Summary Judgment.

EVIDENTIARY OBJECTIONS**Testimony:**

Paragraph 7, page 2, lines 12-13, of the Sampson Declaration states:

"7. . . . The only reason payment was stopped was because of the liens and subsequent actions/threats by Debtor."

Objections:

The Trustee objects to and moves to strike the above statement, in its entirety, based on the following grounds:

(1) Lack of Foundation; (2) Lack of Personal Knowledge; and (3) Speculation

Mr. Sampson does not have sufficient knowledge to establish the appropriate foundation for his assertions regarding the United States Government's rationale for its actions in connection with the Debtor's portion of the settlement proceeds from the District Court action entitled *United States of America ex rel Sara Newsome Burns v. Family Practice Associates, et al.* FRE Rules 104 and 602. Mr. Sampson's assertion is simply inadmissible speculation. FRE Rule 701.

Dated: December 16, 2001

ROBBINS & KEEHN
A Professional Corporation

By: /s/ L. Scott Keehn
L. Scott Keehn
Leslie F. Keehn
Special Counsel for
RICHARD KIPPERMAN, CHAPTER 7 TRUSTEE